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DISTRICT OF UTAH
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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	
Plaintiff,	Case No.:
vs.	COMPLAINT
TIM DAHLE IMPORTS, INC., a Utah corporation, doing business as Tim Dahle Nissan of Sandy,	(JURY TRIAL DEMANDED)
Defendant.	Case: 2:08cv00397 Assigned To : Jenkins, Bruce S. Assign. Date : 5/16/2008 Description: Employment Opportunity Commission v. Tim Dahle Imports

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Kory Larsen and a class of women who were adversely affected by such practices during their employment by Tim Dahle

Imports, Inc., doing business as Tim Dahle Nissan of Sandy ("Dahle"). The Commission alleges that Kory Larsen and a class of women were subjected to unwelcome sexual comments and conduct by Defendant's employees, which created a hostile work environment because of their sex, female. The Commission also alleges that Defendant terminated the employment of Ms. Larsen because she opposed the unlawful employment practices of Defendant.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5 (f)(1) and(3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Utah.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Dahle, a Utah corporation, has continuously

been doing business in the State of Utah, including the City of Sandy, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Dahle has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Kory Larsen filed a charge with the Commission alleging violations of Title VII by Defendant Dahle. All conditions precedent to the institution of this lawsuit have been fulfilled.

FIRST CLAIM: SEX DISCRIMINATION

7. Since at least April 2005, Defendant Dahle has engaged in unlawful employment practices at its Sandy, Utah facility in violation of Section 703(a) of Title VII, 42 U.S.C. §§2000e-2(a). These practices include the harassment of Kory Larsen and a class of women because of their sex, female, which created a hostile work environment.

SECOND CLAIM: RETALIATION

8. Since at least August 2005, Defendant Dahle has engaged in unlawful retaliatory employment practices at its Sandy, Utah facility in violation of 704(a) of Title VII, 42 U.S.C. §§2000e-3(a). These retaliatory employment practices include terminating the employment of Kory Larsen after she expressed opposition to and made complaints about unlawful employment practices.

9. The effect of the practices complained of in paragraph 7 above has been to deprive Kory Larsen and a class of women of equal employment opportunities and otherwise adversely affect their status as employees, because of their sex, female.

10. The effect of the practices complained of in paragraph 8 above has been to deprive Kory Larsen of equal employment opportunities and otherwise adversely affect her status as an employee because of her opposition to unlawful employment practices.

11. The unlawful employment practices complained of in paragraphs 7 through 10 above were intentional.

12. The unlawful employment practices complained of in paragraphs 7 through 10 above were done with malice and/or with reckless indifference to the federally protected rights of Kory Larsen and a class of women.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Dahle, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in the harassment of employees because of sex and any other employment practice which discriminates on the basis of sex.

B. Grant a permanent injunction enjoining Defendant Dahle, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates or retaliates against any

individual because of the individual's opposition to perceived unlawful employment practices and/or because the individual filed a charge, testified, assisted, or participated in an investigation or proceeding under Title VII.

C. Order Defendant Dahle to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and those who oppose unlawful employment practices and/or file charges, testify, assist or participate in an investigation or proceeding under Title VII, and which eradicate the effects of its past and present unlawful employment practices.

D. Order Defendant Dahle to make whole Kory Larsen and a class of women, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, reinstatement.

E. Order Defendant Dahle to make whole Kory Larsen and a class of women, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 through 10 above, in amounts to be determined at trial.

F. Order Defendant Dahle to make whole Kory Larsen and a class of women, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 through 10 above, including but not limited to emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of

life, and humiliation, in amounts to be determined at trial.

G. Order Defendant Dahle to pay Kory Larsen and a class of women punitive damages for its malicious and reckless conduct described in paragraphs 7 through 10 above, in amounts to be determined at trial.

H. Grant such further relief as the Court deems necessary and proper in the public interest.

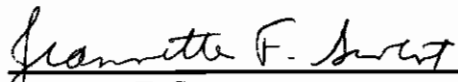
I. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

RESPECTFULLY SUBMITTED this 16th day of May, 2008.

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